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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Daniel C. Birkestrand et al. : Date: March 20, 2006  
Group Art Unit: 2127 : IBM Corporation  
Examiner: Unassigned : Intellectual Property Law  
Serial No.: 10/616,675 : Dept. 917, Bldg. 006-1  
Filed: July 10, 2003 : 3605 Highway 52 North  
Title: APPARATUS AND METHOD FOR : Rochester, MN 55901  
ASSURING RECOVERY OF  
TEMPORARY RESOURCES IN A  
LOGICALLY PARTITIONED  
COMPUTER SYSTEM

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants request that the information listed on the attached Form PTO/SB/08A be considered by the Office during the pendency of the above entitled application, pursuant to 37 C.F.R. §1.97. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not constitute an admission that any information cited therein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b). In the interest of full and complete disclosure to the Office, some or all of the art cited herein may not be considered by Applicant(s) or the Undersigned to be material under the new standard of materiality defined in 37 C.F.R. §1.56(b), enacted March 16, 1992, but may be material under the old standard of materiality defined in 37 C.F.R. §1.56(a), last amended on November 28, 1988, or may merely be technical background which may be of interest to the Examiner. In accordance with

Serial No. 10/616,675  
Docket No. ROC920030150US1

37 C.F.R. §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

To the best knowledge of the undersigned, this Information Disclosure Statement is being filed under 37 C.F.R. §1.97(b)(3) before the mailing of a first Office action on the merits in the present application. Accordingly no filing fee is required.

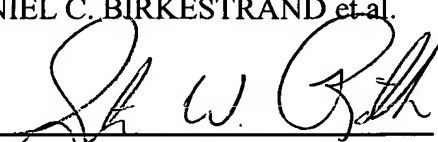
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 20, 2006  
(Date of Deposit)

Debra A. Peterson  
Debra A. Peterson

Respectfully submitted,

DANIEL C. BIRKESTRAND et al.

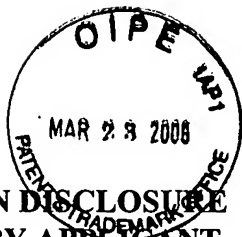
By 

Steven W. Roth  
Attorney Reg. No. 34,712  
IBM Corporation - Department 917  
3605 Highway 52 North  
Rochester, Minnesota 55901-7829  
Telephone: 1-507-253-1600

PTO/SB/08A

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 1 of 2



Application Number.: 10/616,675  
 Filing Date: July 10, 2003  
 First Named Inventor: Daniel C. Birkestrand  
 Art Unit: 2127  
 Examiner Name: Unassigned  
 Attorney Docket Number.: ROC920030150US1

**U.S. PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | <u>Document Number</u><br>Number - Kind Code <sup>2</sup><br>(if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns<br>or Lines Where<br>Relevant Passages<br>or Figs. Appear |
|--------------------|-----------------------|---|--------------------------------|---|--|
|                    |                       | US - 2002/0124168 A1  | 09-05-2002                     | Mccown et al.   |  |
|                    |                       | US -  |                                |   |  |
|                    |                       | US -  |                                |   |  |
|                    |                       | US -  |                                |   |  |
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|                    |                       | US -  |                                |   |  |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials | Cite No. <sup>1</sup> | <u>Foreign Patent Document</u><br>Country <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup><br>Code (if known) | Publication Date<br>MM-DD-YYYY | Name of<br>Patentee or<br>Applicant of<br>Cited Document | Pages, Columns<br>or Lines Where<br>Relevant<br>Passages or<br>Figs. Appear | T <sup>6</sup> |
|-------------------|-----------------------|--|--------------------------------|--|---|----------------|
|                   |                       | WO 02/086698 A1  | 10-31-2002                     | Armstrong et al.   |   |                |
|                   |                       |  |                                |  |   |                |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

PTO/SB/08A

Application Number.: 10/616,675Filing Date: July 10, 2003**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**First Named Inventor: Daniel C. BirkestrandArt Unit: 2127Examiner Name: Unassigned

Sheet 2 of 2

Attorney Docket Number.: ROC920030150US1**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and or country where published. | T <sup>2</sup> |
|----------------------|--------------------------|---|----------------|
|                      |                          | J. JANN et al., "Web applications and dynamic reconfiguration in UNIX servers" (abstract), Performance Analysis of Systems and Software, 2003, ISPASS, 2003 IE International Symposium on March 6, 2003; pages 186-194  |                |
|                      |                          | "Dynamic Logical Partitioning in IBM eserver pSeries"   |                |
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